

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

BLACK DIAMOND COMMERCIAL FINANCE,
LLC,

Plaintiff,

-against-

VIRGINIA CONSERVATION LEGACY FUND,
INC. and ERP COMPLIANT FUELS, LLC,

Defendants.

Adv. Proc. No. 16-03105
(KLP)

VIRGINIA CONSERVATION LEGACY FUND,
INC. and ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

-against-

BLACK DIAMOND COMMERCIAL FINANCE,
LLC,

Counterclaim-Defendant.

**STIPULATION ENTERING INTO EVIDENCE
UNOPPOSED DEPOSITION DESIGNATIONS AND COUNTER-DESIGNATIONS**

Stipulation by the Parties

This Stipulation Entering Into Evidence Unopposed Deposition Designations and Counter-Designations is entered into this 25th day of June 2018, by and among Defendants/Counterclaim-Plaintiffs Virginia Conservation Legacy Fund, Inc. and ERP Compliant Fuels, LLC (collectively, “VCLF”) and Black Diamond Commercial Finance, LLC (“Black Diamond”) (together, the “Parties”), in the above-captioned adversary proceeding.

WHEREAS, the Parties filed deposition designations on May 22, 2018;

WHEREAS, the Parties filed deposition counter-designations on May 25, 2018;

WHEREAS, the Parties filed objections to deposition designations and counter-designations on May 29, 2018;

THE PARTIES NOW, THEREFORE, STIPULATE AND AGREE, by their undersigned counsel, that:

1. VCLF’s designations and Black Diamond’s counter-designations of the deposition testimony of Hugo Gravenhorst, *except for* 109:18-115:25, 125:22-127:21, 212:24-241:17, 242:3-247:23, and 255:12-257:6, are admitted into evidence.
2. VCLF’s designations and Black Diamond’s counter-designations of the deposition testimony of Stephen Deckoff, *except for* 415:9-421:6, are admitted into evidence.
3. VCLF’s designations and Black Diamond’s counter-designations of the deposition testimony of Richard Ehrlich, *except for* 118:22-127:14, are admitted into evidence.
4. VCLF’s designations and Black Diamond’s counter-designations of the deposition testimony of Michael Loreman are admitted into evidence.

5. The Parties' designations and counter-designations of the deposition testimony of Rashid Lattouf are admitted into evidence.

WE ASK FOR THIS:

/s/ Patrick J. Potter

Patrick J. Potter (VSB No. 39766)
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1650 Tysons Boulevard, Suite 1400
McLean, Virginia 22102-4856
Telephone: (703) 770-7900
Facsimile: (703) 770-7901
E-mail: patrick.potter@pillsburylaw.com

- and -

William M. Sullivan, Jr. (admitted *pro hac vice*)

PILLSBURY WINTHROP SHAW
PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036-3006
Telephone: (202) 663-8027
Facsimile: (202) 663-8007
E-mail: wsullivan@pillsburylaw.com

Andrew M. Troop (admitted *pro hac vice*)
Samuel S. Cavior (admitted *pro hac vice*)
Joshua I. Schlenger (admitted *pro hac vice*)
PILLSBURY WINTHROP SHAW
PITTMAN LLP
1540 Broadway
New York, New York 10036-4039
Telephone: (212) 858-1000
Facsimile: (212) 858-1500
E-mail: andrew.troop@pillsburylaw.com
samuel.cavior@pillsburylaw.com
joshua.schlenger@pillsburylaw.com

*Counsel to Virginia Conservation Legacy
Fund, Inc. and ERP Compliant Fuels, LLC*

/s/ John H. Maddock III

Dion W. Hayes (VSB No. 34304)
John H. Maddock III (VSB No. 41044)
McGUIREWOODS LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Telephone: (804) 775-1178
Facsimile: (804) 698-2186
Email: dhayes@mcguirewoods.com
jmaddock@mcguirewoods.com

- and -

C. William Phillips (admitted *pro hac vice*)
Jonathan M. Sperling (admitted *pro hac vice*)
Micaela McMurrough (admitted *pro hac vice*)
COVINGTON & BURLING LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
Telephone: (212) 841-1000
Facsimile: (212) 841-1010
E-mail: cphillips@cov.com
jsperling@cov.com
mmcmurrough@cov.com

*Counsel to Black Diamond Commercial
Finance, LLC*

Certificate of Service

I hereby certify that on June 25, 2018, I caused the foregoing stipulation to be filed with and uploaded to this Court's CM/ECF system, which will send filing to all CM/ECF participants, and on the following parties by email:

William M. Sullivan, Jr. (wsullivan@pillsburylaw.com)
Joshua I. Schlenger (joshua.schlenger@pillsburylaw.com)
Samuel S. Cavior (samuel.cavior@pillsburylaw.com)
Andrew M. Troop (andrew.troop@pillsburylaw.com)
Patrick J. Potter (patrick.potter@pillsburylaw.com)

/s/ John H. Maddock III
John H. Maddock III